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auditing firm. The Court may lift the stay if it “finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.” *Id.* Global Power argues that this standard is not met, because federal law, specifically 17 C.F.R. § 210.2-06, already requires BDO to preserve relevant documents, and a subpoena is therefore not necessary to preserve evidence or prevent undue prejudice [Docket Entry #47]. However, Global Power does not oppose the relief Lead Plaintiff requests.

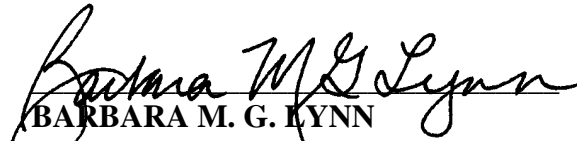
The requirements of 17 C.F.R. § 210.2-06 are not coextensive with the protection afforded by Lead Plaintiff’s proposed subpoena *duces tecum*. For example, 17 C.F.R. § 210.2-06 applies only to records relevant to an audit or review of financial statements. Lead Plaintiff’s proposed subpoena requires BDO to preserve all documents related to BDO’s work on behalf of Global Power. Further, 17 C.F.R. § 210.2-06 requires that documents relevant to an audit or review be retained for seven years. Lead Plaintiff’s proposed subpoena requires BDO to preserve documents dating back to 2010. The Court may not rule on a motion to dismiss in this case until after seven years have elapsed since early 2010. The parties have agreed that Lead Plaintiff will file a consolidated amended complaint after Global Power issues restated financial results. Under the briefing schedule agreed to by the parties, a motion to dismiss may not be ripe until approximately 200 days later. On March 30, 2016, Global Power announced that it has retained a new public accounting firm, which is *beginning* the process of auditing Global Power’s financial statements, and thus Global Power is unsure when it will issue restated financial results.

In light of the parties’ agreement, and based on a finding that a particularized lifting of the stay is necessary to preserve relevant evidence, the Court **GRANTS** Lead Plaintiff’s Motion. The PSLRA’s automatic discovery stay is lifted for the limited purpose of allowing Lead

Plaintiff to serve on BDO a document preservation subpoena.

SO ORDERED.

April 8, 2016.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS